

# HOUSE . . . . . No. 1078

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## The Commonwealth of Massachusetts

PRESENTED BY:

**John D. Keenan**

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to Massachusetts artists.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
John D. Keenan	7th Essex
John A. Hart, Jr.	First Suffolk
William Lantigua	16th Essex
Tom Sannicandro	7th Middlesex
Kathi-Anne Reinstein	16th Suffolk
Alice K. Wolf	25th Middlesex
Steven M. Walsh	11th Essex
Robert L. Rice, Jr.	2nd Worcester

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 3936 OF 2007-2008.]

## The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine

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### AN ACT RELATIVE TO MASSACHUSETTS ARTISTS.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1       SECTION 1. Summary. Chapter 58 of the Acts of 2006, An Act Providing Access to Affordable,  
2       Quality, Accountable Health Care, Providing Access to Affordable, Quality, Accountable Health Care, is  
3       hereby amended to improve access to affordable health insurance for self-employed people, independent  
4       contractors, working artists, part-time workers, and workers who work part-time jobs and engage in a  
5       self-employed enterprise, also known as combined income individuals. This Act will increase eligibility  
6       for the Insurance Partnership for both employers and individuals; require small employers to offer a  
7       Section 125 Cafeteria Plan; provide the self-employed more support in accessing the most affordable  
8       insurance option; and require an in-depth analysis of combined income individuals to determine the  
9       impact on their eligibility for assistance.

10      SECTION 2. Employer Eligibility for the Insurance Partnership. Section 9C of Chapter 118E,  
11      subsection 1, is hereby amended by replacing subsection (iv) after the word 65 with the following  
12      language:— (iv) the division will amend existing regulation 130 CMR 650.000 to make eligible those  
13      employers that have provided employees with access to health insurance six-months prior to their  
14      application to the Insurance Partnership, provided the employer meets all other existing eligibility  
15      requirements under Chapter 118E, Section 9C.

16      SECTION 3. Simplify the Use of Pre-Tax Dollars for Small Business Employees. Any employer  
17      with the equivalent total of five full-time employees, as defined in the provisions of Chapter 58,  
18      must establish a Section 125 cafeteria plan; and, further comply with the Health Insurance  
19      Responsibility Disclosure provisions of Chapter 58. Section 2 of Chapter 151F is hereby amended  
20      by changing “10” to “5 or more” after the words “more than.” Section 6c of Chapter 118G is hereby  
21      amended to insert the following language after the words “every employer” “with 5 employees or  
22      more.”

23      SECTION 4. Definition of “Eligible Employee”. Section 9C of Chapter 118E, subsection 1 (as  
24      amended by 2006, 58, Sec. 19) under the definition of “Eligible Employee”, is hereby amended by  
25      striking subsection (iv) in its entirety.

26 SECTION 5. Section 9C of Chapter 118E, subsection 1 (as amended by 2006, 58, Sec. 19) under the  
27 definition of “Eligible Employee”, subsection (v), is hereby amended to change the words “300 per cent  
28 of the Federal Poverty Level” to “400 per cent of the Federal Poverty Level” after the words “does not  
29 exceed.”

30 SECTION 6. Determining “Income” for Combined Part-Time and Self-Employed Individuals. The  
31 Department of Revenue is hereby directed to conduct a study of individuals filing tax returns with  
32 multiple sources of income including part-time employment and income from independent contractors  
33 and self-employment. The Department of Revenue will also assess the methodology for calculating  
34 Adjusted Gross Income for such individuals in order to promulgate regulations that accurately reflects  
35 their income, giving special consideration to the expenses associated with the creation of art, learning new  
36 skills associated with professional work, inventing new products or processes for commercial purposes, or  
37 other professional pursuits from which the individual does not derive a majority or any of their overall  
38 income. The Department of Revenue will report their findings to the Joint Committee on Health Care  
39 Financing, the Connector Board, the Joint Committee on Tourism, Arts, and Cultural Development and  
40 the House and Senate Committees on Ways and Means no later than 120 days after enactment by the  
41 General Court.

42 SECTION 7. Eliminating the Self-employment Penalty. Amend Section 9C of chapter 118E, subsection  
43 1, by adding the following language after the words “eligible employer”:— nothing in this section shall  
44 exclude a self-employed single individual or self employed husband and wife from eligibility for  
45 programs under Chapter 118H, provided that all other eligibility criteria have been met in accordance  
46 with the definitions in Chapter 118E as amended.

